THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 9168 of 2007

DATED: 27-04-2007

Between:

S.Uma Rani and others

…Petitioner

and

Uppal Municipality, rep. by its
Commissioner, Uppal, Ranga Reddy Dist. and others

…Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 9168 of 2007

Oral order:

Heard the learned counsel for the petitioners and the learned Standing counsel for the 1st respondent-Municipality. There is no representation on behalf of the other respondents.

The petitioners claim to be the owners and to be in possession of distinct extents of land in several plot numbers in Sy.No.43 of Ramanthapur Village, Uppal Mandal, Ranga Reddy District. The details of the holdings of the petitioners are set out in para 2 of the affidavit.

The petitioners desire to construct buildings in their plots for residential purpose and that purpose submitted applications to the 1st respondent-Municipality for building permission; and they are ready and willing to pay the necessary fee to the respondents 1 and 2, the 2nd respondent being the Urban Development Authority. Complaining that the respondents are not receiving the petitioners' application for building permission, the writ petition is filed.

The petitioners allege that the respondents are not ready and willing even to accept the applications for building permission on the ground that the respondents are of the view that the land in question falls within the submergible area, namely, the Full Tank Level of the "Pedda Cheruvu"- Tank. Such an assumption by the respondents is not a ground for not receiving the applications of the petitioners.

A public authority is obligated to receive every application submitted by a citizen and to pass on a receipt for the same. If the petitioners

apply for a building permission and building permission may not be granted either under the provisions of the Andhra Pradesh Municipalities Act, 1965 or under any other law for the time being in force, including for the reason that the land is within the Full Tank Level of Pedda Cheruvu and is therefore subject to submergence. Even in the above circumstances the respondents are obligated to receive the applications and pass on a receipt in token of having received the applications. The respondents are required to then pass an order setting out the reasons why building permission cannot be granted or is liable to be refused. As the respondents are public authorities, functioning under statutory regime, are entitled to collect substantial fee towards building permit fee. This gives rise to a concomitant obligation to record reasons while refusing a permission for construction of buildings.

For the aforesaid reasons, the writ petition is disposed of at the stage of admission directing the respondents, in particular, respondents 1 and 2, to receive the application of the petitioners, pass a receipt in token of having received the application for building permission, to take a decision and pass an order on such application in accordance with law. There shall be no order as to costs.

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GODA RAGHURAM, J

27-04-2007
GRR